

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8744 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

HUSEN IBRAHIM KAKKAL

Versus

BEDI GRAM PANCHAYAT

Appearance:

1. Special Civil Application No. 8744 of 2002
MR TR MISHRA for Petitioner No. 1-8
MR PV HATHI for Respondent No. 1
Mr. H.D. Dave, Asstt. G.P. for Respondent No. 2-3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 09/04/2003

ORAL JUDGEMENT

Heard learned advocate Mr. Mishra for the

petitioners; Mr. P.V. Hathi, learned advocate for the respondent No.1 Gram Panchayat and Mr. H.D. Dave, learned A.G.P. for the respondents Nos. 2 and 3. The grievance of the petitioner is that they were working since 1982 and in the year 2001, the respondent Gram Panchayat has granted benefits of pay scale and other service conditions and this court has, in special civil application no. 6393 of 2001, granted interim relief on 4th December, 2001 protecting the service of the petitioner but thereafter, the first respondent has terminated the services of the petitioners on 6th April, 2002 though stay was operating against the petitioners and against the respondent no.1.

In this petition, respondent no.1 has filed the reply. Considering the averments made by the respondent no.1 in its reply, it appears that now the petitioner is having alternative equally efficacious remedy under the Industrial Disputes Act, 1947 and, therefore, the petitioners shall have to approach the machinery under the Industrial Disputes Act, 1947.

In view of this, learned advocate Mr. T.R. Mishra appearing for the petitioners has submitted that the petitioners will approach the machinery under the Industrial Disputes Act, 1947. He, however, requests that this Court may issue some suitable directions to the concerned authority so that the authority concerned may expedite the matter and refer the matter at the earliest.

Considering the submissions made by the learned advocates for the parties, it is observed that it is open for the petitioners to raise the industrial dispute before the concerned authority under the I.D. Act. As and when such industrial dispute challenging the termination is raised before the concerned authority under section 2(a) of the Industrial Disputes Act, it is directed to the conciliation officer to immediately take necessary action on the complaint and to pass appropriate orders in accordance with law under section 10(1) of the I.D. Act without any delay.

With these observations and directions, this petition is disposed of at this stage without observing anything on merits. Rule is discharged. There shall be no order as to costs.

Dt. 9.4.2003. (H.K. Rathod, J.)

Vyas